

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Angela and Andrew Grady,

Case No. 20-cv-1532 (ADM/TNL)

Plaintiffs,

v.

**REPORT & RECOMMENDATION**

Hennepin County CPS, Anne Gabrys,  
Song Thao, and Kara Lillehaug,

Defendants.

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In an order dated August 7, 2020, this Court identified several deficiencies in the complaint filed by plaintiffs Angela and Andrew Grady. *See* ECF No. 3. Rather than recommend dismissal of this action, this Court allowed the Gradys 30 days in which to submit an amended complaint, failing which it would be recommended that this action be dismissed without prejudice. *Id.* The Gradys were also referred for volunteer attorney assistance in drafting that amended complaint. Later, on request of the Gradys, the amendment deadline was extended to October 7, 2020. *See* ECF No. 6

That extended deadline has now passed, and the Gradys have not yet submitted an amended complaint. In fact, the Gradys have not communicated with the Court about this case at all since requesting additional time in which to submit their amended complaint (again, a request that was granted by this Court). Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice, both for failure to state a claim on which relief may be granted, *see* 28 U.S.C. § 1915(e)(2)(B), and for failure to prosecute, *see Henderson v. Renaissance Grand Hotel*,

267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

### **RECOMMENDATION**

Based upon the foregoing, and on all of the files, records, and proceedings herein,  
**IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE**.

Dated: October 19, 2020

s/ Tony N. Leung  
Tony N. Leung  
United States Magistrate Judge  
District of Minnesota

*Grady et al. v. Hennepin County CPS*  
*et al.*  
Case No. 20-cv-1532 (ADM/TNL)

### **NOTICE**

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).